

EXHIBIT A

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2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 CIERA WASHINGTON,

5 Plaintiff,

6 -against-

7 WALGREENS; WALGREENS CO.; DUANE READE;
DUANE READE INC.; DUANE READE
INTERNATIONAL, LLC; and Individually and
Jointly; LUIS GUERRERO; GERMAINE ALLEN;
VIVIAN GHOBRIAL; and CRYSTAL BECKRUM,

8 Defendants.

9 Civil Case No. 17-CV-02393

10 1250 Broadway
11 New York, New York

12 February 20, 2018

13 10:01 a.m.

14 CONTINUED DEPOSITION of
15 VIVIAN GHOBRIAL, one of the Defendants in
16 the above-entitled action, held at the
17 above time and place, taken before Brian
18 Brenner, a Shorthand Reporter and Notary
19 Public of the State of New York, pursuant
20 to the Federal Rules of Civil Procedure,
21 Court Order and stipulations between
22 Counsel.

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<p>1 V. GHOBRIAL 2 Q You testified in your 3 deposition, the first session, that you 4 relied on the investigative file and video 5 to fire Plaintiff, correct? 6 A Correct. 7 Q And to suspend Plaintiff, 8 correct? 9 A Yes. 10 Q I'm trying to narrow it down. 11 Were there any discussions -- when I say 12 discussions it's broad. Understand that I 13 mean communications and that it's 14 interpreted broadly. I mean Snapchat, 15 Facebook, whatever, e-mails, phone calls, 16 whatever. When were discussions, 17 communications, regarding discussing 18 Plaintiff, the first ones? 19 A I don't remember. 20 Q Before February 22, 2016? 21 A Same answer. I don't really 22 remember. 23 Q Let me show you an e-mail then. 24 I'm handing you Plaintiff's Exhibit 6 25 (handing).</p>	Page 299	<p>1 V. GHOBRIAL 2 see your e-mail talking about HR has 3 reviewed Ciera's paperwork. When you say 4 HR, you mean yourself? 5 A And my manager. 6 Q Who? 7 A Paul Loggoso. 8 Q Reviewed Ciera's paperwork and 9 video regarding her suspension and 10 supports the decision to terminate, right? 11 A Yes. 12 Q Now, it says reviewed -- 13 MS. MORRISON: Strike that. 14 Q Do these communications 15 occurring in early February up through, 16 to, and including February 18, and what 17 you said, February 23, refresh your 18 recollection as to whether conversations 19 regarding suspending and firing Plaintiff, 20 whether they occurred before February 22? 21 A Yes. 22 Q And they did, right? 23 A Yes. 24 Q Meaning they did occur before 25 February 22, 2016?</p>	Page 301
<p>1 V. GHOBRIAL 2 In Plaintiff's Exhibit 6, turn 3 to the document Bates stamped DR169 and 4 DR170. Do you see those, those two 5 documents? 6 [Witness peruses the documents.] 7 A Yes. 8 Q Do you see those are e-mails 9 between you and other people, right? 10 Correct? 11 A Yes. 12 Q And the dates of those e-mails, 13 DR170, for instance, is dated Wednesday, 14 February 3, 2016. Do you see that? Do you 15 see that? 16 A Yes. 17 Q And these conversations between 18 you and Robert Petrarchi regarding when 19 Plaintiff will return to work, can she be 20 terminated for job abandonment? Do you 21 see that? 22 A Yes. 23 Q And you see the next page, 24 DR169, dated February 18, still regarding 25 when Plaintiff's coming back, and then we</p>	Page 300	<p>1 V. GHOBRIAL 2 A Yes. 3 Q The top e-mail says HR has 4 reviewed Ciera's paperwork and video 5 recording her suspension. Do you see 6 that? 7 A Yes. 8 Q And you wrote that, right? 9 A Yes. 10 Q So Plaintiff was already 11 suspended by the time this e-mail was 12 written, right? 13 A She was suspended on the 22nd. 14 Yes. 15 Q So she was suspended before this 16 e-mail that you said was dated February 17 23, correct? 18 A Correct. 19 Q And supports the decision to 20 terminate, right? 21 A Yes. 22 Q So the decision to terminate 23 also occurred before your e-mail about you 24 saying -- one that you say is February 23, 25 2016?</p>	Page 302

<p>1 V. GHOBRIAL 2 MR. WARSHAW: Objection to 3 form. 4 A No. 5 Q Not correct? 6 A No. The decision was on the 7 23rd. 8 Q When you wrote down -- when you 9 forwarded the documents on DR169, it says 10 HR has reviewed Ciera's paperwork and 11 supports the decision to terminate, you're 12 saying her suspension occurred on the 13 22nd? 14 A Right after her interview. 15 Q You told her she was suspended 16 on February 22? 17 A No. 18 Q When did you tell her that she 19 was suspended? 20 A Her manager suspended her after 21 the interview. I didn't say it. Her 22 manager suspended her. 23 Q What manager? 24 A Luis Guerrero. 25 Q So Luis Guerrero is the one who</p>	Page 303	<p>1 V. GHOBRIAL 2 Q What people involved? 3 A Luis, Troy, Robert Petrarchi. 4 Q Anyone else? 5 A I believe that's it. 6 Q And you spoke with Troy 7 specifically about suspending the 8 Plaintiff, about the decision to suspend 9 the Plaintiff? 10 A No. 11 Q So when you just said the people 12 who were involved, you didn't mean to say 13 that you spoke with Troy specifically 14 about suspending Plaintiff? 15 A I had him read me the statement 16 and send me some paperwork. 17 Q What statement? 18 A Her statement. Ms. Washington's 19 statement. 20 Q You had Troy read you 21 Plaintiff's statement? 22 A Yes, and send it to me. 23 Q How did he send it to you? 24 A I am not sure. I believe 25 through e-mail -- oh, no. I am not sure.</p>	Page 305
<p>1 V. GHOBRIAL 2 said she was suspended? 3 A Yes. 4 Q And that happened on February 5 23? 6 A After her interview, yes. 7 Q After her interview with Troy 8 Hennessy? 9 A Loss prevention, yes. 10 Q About how long after her 11 interview with Troy Hennessy did Luis 12 Guerrero tell Plaintiff that she was 13 suspended? 14 A I'm not sure. 15 Q Three hours? 16 A Not sure. 17 Q Five minutes? 18 A Not sure. 19 Q When did you decide to suspend 20 Plaintiff? 21 A After the interview. 22 Q How long after the interview did 23 you decide to suspend Plaintiff? 24 A After I had conversations with 25 people involved.</p>	Page 304	<p>1 V. GHOBRIAL 2 I think he read it to me and then came to 3 my office and handed it to me. I am not 4 sure. 5 Q Understood, but how did he read 6 it to you, over the phone? 7 A Yes. 8 Q Why did he read it to you if he 9 apparently was already in the office and 10 could have handed it to you? 11 MR. WARSHAW: Objection to 12 form. 13 A He was in the store, not in my 14 office. 15 Q But he -- was your office in the 16 store? 17 A No. 18 Q Where was your office? 19 A 40 Wall Street in New York. 20 Q So Troy on February 22 went from 21 Ciera Washington's store all the way down 22 to Wall Street to your office to hand you 23 her voluntary statement? 24 A Everything. To hand me 25 everything including the video again. To</p>	Page 306